

### **REMARKS**

In response to the Office Action mailed September 28, 2009, the Assignee respectfully request reconsideration in view of the following remarks.

#### **I. Telephone Conference with Examiner**

Assignee's representative, Melissa A. Beede (Reg. No. 54,986), discussed the rejections of independent claims 19 and 24 with the Examiner during a telephone interview conducted on November 30, 2009. In particular, the comments pertaining to claims 19 and 24 in the Interview Agenda submitted on November 23, 2009 (attached hereto) were discussed.

With respect to the rejections of claims 19 and 24 under 35 U.S.C. §112, second paragraph, the Examiner indicated that he understood the subject matter of the claims and that the rejections of the claims under 35 U.S.C. §112 would be withdrawn.

With respect to the rejections of claims 19 and 24 under 35 U.S.C. §103, the Examiner was not persuaded by the comments set forth in the Interview Agenda. Assignee's representative stated that she would elaborate on the comments in a formal reply to the Office Action in an effort to advance the prosecution of the application.

#### **II. Information Disclosure Statement Filed June 5, 2002**

The Assignee received acknowledgement of consideration of the U.S. Patent references cited in the Information Disclosure Statement filed on June 5, 2002; however, there was no indication that the reference listed under the "Other Documents" section (i.e., "Uramoto") was considered. Accordingly, the Examiner is respectfully requested to return a copy of the Form PTO-1449 submitted therewith with acknowledgement of the Uramoto reference.

#### **III. Overview of Embodiments**

Speech-based interfaces may allow a search for a particular database record based on spoken data provided by a user (e.g., a search for a database record for a particular person based upon the

person's name) (§ 0004). When such a search results in the identification of multiple matching data records (e.g., if multiple people identified in a database share the same name), difficulties can arise in effectively presenting the results to the user. For example, when numerous data items from the data records are audibly presented, it can be difficult for the user to remember the data items when making a selection of a data record (§ 0004). In addition, some of the data items in the data records may be unpronounceable by the speech interface (§ 0004).

The specification evidences an appreciation that various techniques can be used to analyze database search results to determine a data field that may be used to uniquely and effectively identify a search result when the data from that field of the matching data records is presented to a user (§ 0007). Such techniques include: (1) determining whether data items of a data field can be pronounced by the speech interface, (2) determining whether a data field uniquely identifies each search result (i.e., does not contain duplicate data items), and (3) determining the lengths of data items and/or the average length of the data items within a particular data field (§ 0023). Data fields may be excluded from being used to identify a search result based on the above.

For example, with reference to FIG. 1, reproduced below, the "Phone" and "Dept. Number" data fields may be excluded because one or more of the data items therein cannot be pronounced by the speech interface (§ 0018). In addition, the "Formal Name" data field may be excluded because entries 3, 7 and 8 include duplicate data items in this data field (§ 0017). Further, the "Dept. Name" data field may be excluded because the data items therein are too long (§ 0019).

Entry	Name	Format Name	Phone	Location	Job Description	Dept. Number	Dept. Name
1	Joe Smith	Joseph B. Smith	7-777999	United Kingdom	Programmer	ADPN	Notifity Service and Support
2	Joe Smith	Joseph P. Smith	777-7777	Las Vegas	Global Services	SSTU	Las Vegas Large/Mid Range
3	Joe Smith	Joseph R. Smith	987-6543	West Palm Beach	Human Factors	AMQ	Speech SQL, Test and Technology Support
4	Joe Smith	Joe Smith	7-123456	Hursley	Contractor	111123	Systems Support
5	Joe Smith	Joe Smith	000-0000	Chicago	Technician	ONCI	Starwood
6	Joe Smith	Joe Smith	456-7890	Poughkeepsie	Business Planner	ABEZ	TMF Application Date Transfer Service Development
7	Joe Smith	Joseph R. Smith	123-4567	Austin	Engineer	QPR2	VTS Coupled Systems
8	Joe Smith	Joseph R. Smith	999-9999	Tucson	Global Services	ECGV	Customer Service Data Management
Analysis	Failed Duplicate	Failed Duplicate	Failed Cannot Pronounce	9.5 Characters 2.875 Syllables	12.125 Characters 3.75 Syllables	Failed Cannot Pronounce	Failed Items Too Long

**Figure 1**

With reference again to FIG. 1, after excluding certain data fields based on the above criteria, the “Location” and “Job Description” fields remain. One such data field may be selected, such as the “Location” data field, which includes data items having the smallest average length (¶ [0024]). The search results may then be presented to the user by playing each data item corresponding to the selected data field through the speech interface (¶ [0024]). For example, the speech interface may state: “Found eight matches for this name, Please choose a location: United Kingdom, Las Vegas, West Palm Beach, Hursley, Chicago, Poughkeepsie, Austin, or Tucson” (¶ [0024]).

The foregoing summary is provided to assist the Examiner in appreciating some aspects and/or applications of embodiments described in the present application. However, this summary may not apply to each of the independent claims, and the language of the independent claims may differ in material respects from the summary provided above. Thus, the Assignee respectfully requests that careful consideration be given to the language of each of the independent claims and that each be addressed on its own merits, without relying on the summary provided above. In this

respect, the Assignee does not rely on the summary provided above to distinguish any of the claims over the prior art. Rather, the Assignee relies only upon the arguments provided below.

#### IV. Rejections under 35 U.S.C. §112

The Office Action rejected claims 19 and 24 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Office Action states: “Applicant failed to point out the subject matter because selecting a common data field would not help for use as a disambiguation data field for the retrieved database entries.”

As discussed in paragraphs [0016] and [0017] of the Assignee’s published application (U.S. Patent Application Publication No. 20030163319), “Joe Smith” is a data item within the “Name” data field. A common data field may comprise the “Name” field if it is common to two database entries. Assignee’s representative explained the above to the Examiner during the November 30th telephone conference, and the Examiner indicated that he understood the subject matter of the claims in view of the explanation.

In view of the foregoing, withdrawal of the rejection of claims 19 and 24 under 35 U.S.C. §112 is respectfully requested.

#### V. Rejections Under 35 U.S.C. §103

The Office Action rejected claims 19, 20, 22-25, 27, 28 and 39-42 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,421,672 (“McAllister”) in view of U.S. Patent No. 6,256,630 (“Gilai”). These rejections are respectfully traversed.

##### a. Independent Claims 19 and 24

First, the combination of McAllister and Gilai does not teach or suggest “processing the common data fields of said retrieved database entries, said processing comprising identifying at least one first data field having at least one data item that... *exceeds a predetermined maximum length*, and excluding said at least one first data field from use as a disambiguation data field based on said identification,” as recited in claims 19 and 24.

The Office Action states that Gilai “identifies strings with higher length, which correspond to low probabilities, and discard[s] them from being used in ambiguous queries,” citing col. 12, lines 13-46 of Gilai. Assignee respectfully disagrees with this characterization of Gilai.

The cited passage discusses processing a “numeric string ... keypad input to spellguess unit 30” (see col. 12, lines 17-18). In particular, the passage describes how a spellguess unit 30 (FIG. 2) assigns probabilities to possible strings (e.g., BUSH, BURG or BURI) represented by a numeric string (e.g., 2874) input by a user via a telephone keypad (see col. 12, lines 17-25 and col. 6, lines 58-63 of Gilai). Contrary to the assertion in the Office Action, the probability of a candidate string is not determined based on its length. Rather, the probability of a candidate string is determined based on the known frequency of occurrence of the trigrams in the string (col. 12, lines 26-31 of Gilai). In particular, the probability is calculated by multiplying the probability of one trigram in the string with the probability of each other trigram in the string (Id.). Since each trigram probability is represented by a number that is less than one, the probability of a given string decreases as more trigrams are considered (col. 12, lines 38-41 of Gilai). However, longer strings are not necessarily less probable than other shorter strings, such that a longer string may be more probable than a shorter string. Thus, the strings do not have a “predetermined maximum length,” as recited in claim 19.

In view of the foregoing, the combination of McAllister and Gilai does not teach or suggest “processing the common data fields of said retrieved database entries, said processing comprising identifying at least one first data field having at least one data item that... *exceeds a predetermined maximum length*, and excluding said at least one first data field from use as a disambiguation data field based on said identification,” as recited in claims 19 and 24.

Second, the combination of McAllister and Gilai does not teach or suggest “processing the common data fields of said retrieved database entries, said processing comprising identifying at least one first data field having at least one data item that... exceeds a predetermined maximum length, and *excluding said at least one first data field from use as a disambiguation data field* based on said identification,” as recited in claims 19 and 24. Indeed, the Office Action appears only to assert that data *items* – rather than one or more data *fields* – are excluded, and there is no discussion of how the reference teachings would further be modified to exclude the at least one data field

specified in the claim from use as a disambiguation data field. In fact, the cited portion of Gilai has no apparent relevance to disambiguation data fields, and it is unclear how the teachings of Gilai could be applied to those of McAllister.

In view of the foregoing, the combination of McAllister and Gilai does not teach or suggest the methods of claims 19 and 24. Accordingly, withdrawal of the rejections of claims 19 and 24 under 35 U.S.C. §103(a) is respectfully requested.

b. Dependent Claims 39 and 41

The Office Action states that “synthesizing speech based on pronunciation rules requires identifying and excluding at least one data item that is unpronounceable” (emphasis added). However, claims 19 and 24, and hence claims 39 and 41, relate to excluding at least one data field from use as a disambiguation data field. Therefore, the Office Action appears to have set forth a rejection that is inconsistent with claims 39 and 41. Indeed, the combination of McAllister and Gilai does not teach or suggest “identifying at least one first data field having at least one data item that is unpronounceable,” as recited in claims 39 and 41.

In view of the foregoing, the combination of McAllister and Gilai does not teach or suggest the methods of claims 39 and 41. Accordingly, withdrawal of the rejections of claims 39 and 41 under 35 U.S.C. §103(a) is respectfully requested.

c. Remaining Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future.

**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Assignee's representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

The Assignee believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. N0484.70551US00 from which the undersigned is authorized to draw.

Dated: December 28, 2009

Respectfully submitted,

By: /Melissa A. Beede/  
Melissa A. Beede, Reg. No. 54,986  
Richard F. Giunta, Reg. No. 36,149  
Wolf, Greenfield & Sacks, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Attachment: Interview Agenda submitted on November 23, 2009

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Docket No.: N0484.70551US00  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Kimberlee A. Kemble et al.
Serial No.:	10/081,502
Confirmation No.:	1503
Filed:	February 22, 2002
For:	AUTOMATIC SELECTION OF A DISAMBIGUATION DATA FIELD FOR A SPEECH INTERFACE
Examiner:	A. Serrou
Art Unit:	2626

**INTERVIEW AGENDA**

Below is an agenda for the telephone interview scheduled for Monday, November 30<sup>th</sup> at 1 PM. The undersigned thanks the Examiner for his courtesy in granting the interview.



## PENDING CLAIMS

1-18. (Canceled)

19. (Previously presented) A computer-implemented method of disambiguating database search results within a speech interface, the method comprising:

retrieving multiple database entries responsive to a database search, wherein said retrieved database entries include a plurality of common data fields;

processing the common data fields of said retrieved database entries, said processing comprising identifying at least one first data field having at least one data item that is unpronounceable and/or exceeds a predetermined maximum length, and excluding said at least one first data field from use as a disambiguation data field based on said identification;

selecting a second data field from among said plurality of common data fields for use as a disambiguation data field for the retrieved database entries; and

presenting, through the speech interface, data items corresponding to said selected disambiguation data field for each said retrieved database entry, wherein said speech interface is used in conjunction with a system in which said database search is performed, and wherein said speech interface provides users of said system with an interface for searching for information contained within a database in which said database search was conducted and for audibly receiving results of said database search.

20. (Previously presented) The method of claim 19, wherein data item pronounceability is determined using at least one of a determination technique based upon a failed dictionary lookup with respect to a dictionary that contains pronounceable data items and a determination technique that analyzes patterns of consonant-vowel combinations occurring within the data items.

21. (Canceled).

22. (Previously presented) The method of claim 19, wherein the maximum length is determined from an empirical analysis of a relative ease with which users recall audibly presented speech items.

23. (Previously presented) The method of claim 19, wherein said selecting step comprises:

selecting the second data field based at least in part on an average length of data items of the second data field.

24. (Previously presented) A computer-implemented method of disambiguating database search results within a speech interface, the method comprising:

retrieving multiple database entries responsive to a database search, wherein said retrieved database entries include a plurality of common data fields;

processing the common data fields of said retrieved database entries, said processing comprising identifying at least one first data field having at least one data item that is unpronounceable and/or exceeds a predetermined maximum length, and excluding said at least one first data field from use as a disambiguation data field based on said identification;

selecting a second data field from among said plurality of common data fields for use as a disambiguation data field for the retrieved database entries; and

presenting, through the speech interface, data items corresponding to said selected disambiguation data field for each said retrieved database entry, wherein said speech interface is used in conjunction with a system in which said database search is performed, and wherein said speech interface provides users of said system with an interface for searching for information contained within a database in which said database search was conducted and for audibly receiving results of said database search.

25. (Previously presented) The method of claim 24, wherein data item pronounceability is determined using at least one of a determination technique based upon a failed dictionary lookup with respect to a dictionary that contains pronounceable data items and a determination technique that analyzes patterns of consonant-vowel combinations occurring within the data items.

26. (Canceled).

27. (Previously presented) The method of claim 24, wherein the maximum length is determined from an empirical analysis of a relative ease with which users recall audibly presented speech items.

28. (Previously presented) The method of claim 24, further comprising:  
receiving a user input specifying a data item associated with said selected  
second data field to disambiguate said retrieved database entries.

29-38. (Canceled)

39. (Previously presented) The method of claim 19, wherein processing the common data fields of said retrieved database entries comprises identifying at least one first data field having at least one data item that is unpronounceable.

40. (Previously presented) The method of claim 19, wherein processing the common data fields of said retrieved database entries comprises identifying at least one first data field having at least one data item that exceeds a predetermined maximum length.

41. (Previously presented) The method of claim 24, wherein processing the common data fields of said retrieved database entries comprises identifying at least one first data field having at least one data item that is unpronounceable.

42. (Previously presented) The method of claim 24, wherein processing the common data fields of said retrieved database entries comprises identifying at least one first data field having at least one data item that exceeds a predetermined maximum length.

REMARKSI. Overview of Embodiments

Speech-based interfaces may allow a search for a particular database record based on spoken data provided by a user (e.g., a search for a database record for a particular person based upon the person's name) (§ 0004). When such a search results in the identification of multiple matching data records (e.g., if multiple people identified in a database share the same name), difficulties can arise in effectively presenting the results to the user. For example, when numerous data items from the data records are audibly presented, it can be difficult for the user to remember the data items when making a selection of a data record (§ 0004). In addition, some of the data items in the data records may be unpronounceable by the speech interface (§ 0004).

The specification evidences an appreciation that various techniques can be used to analyze database search results to determine a data field that may be used to uniquely and effectively identify a search result when the data from that field of the matching data records is presented to a user (§ 0007). Such techniques include: (1) determining whether data items of a data field can be pronounced by the speech interface, (2) determining whether a data field uniquely identifies each search result (i.e., does not contain duplicate data items), and (3) determining the lengths of data items and/or the average length of the data items within a particular data field (§ 0023). Data fields may be excluded from being used to identify a search result based on the above.

For example, with reference to FIG. 1, reproduced below, the "Phone" and "Dept. Number" data fields may be excluded because one or more of the data items therein cannot be pronounced by the speech interface (§ 0018). In addition, the "Formal Name" data field may be excluded because entries 3, 7 and 8 include duplicate data items in this data field (§ 0017). Further, the "Dept. Name" data field may be excluded because the data items therein are too long (§ 0019).

Entry	Name	Formal Name	Phone	Location	Job Description	Dept. Number	Ref. Name
1	Joe Smith	Joseph B. Smith	7-777999	United Kingdom	Programmer	ADPN	Refinery Services and Support
2	Joe Smith	Joseph P. Smith	777-7777	Las Vegas	Global Services	SEIU	Las Vegas Large/Mid Range
3	Joe Smith	Joseph R. Smith	987-6543	West Palm Beach	Human Factors	AM00	Speech SQL Test and Technology Support
4	Joe Smith	Joe Smith	7-123456	Hursley	Contractor	111123	Systems Support
5	Joe Smith	Joe Smith	000-0000	Chicago	Technician	CNEX	Starwood
6	Joe Smith	Joe Smith	456-7890	Poughkeepsie	Business Planner	ABBC	TMF Application Data Transfer Service Development
7	Joe Smith	Joseph R. Smith	123-4567	Austin	Engineer	QPR2	VTS Coupled Systems
8	Joe Smith	Joseph R. Smith	999-9999	Tucson	Global Services	6CQV	Customer Service Data Management
Analysis	Failed Duplicate	Failed Duplicate	Failed Cannot Pronounce	9.5 Characters 2.875 Syllables	12.125 Characters 3.75 Syllables	Failed Cannot Pronounce	Failed Items Too Long

Figure 1

With reference again to FIG. 1, after excluding certain data fields based on the above criteria, the “Location” and “Job Description” fields remain. One such data field may be selected, such as the “Location” data field, which includes data items having the smallest average length (¶ [0024]). The search results may then be presented to the user by playing each data item corresponding to the selected data field through the speech interface (¶ [0024]). For example, the speech interface may state: “Found eight matches for this name, Please choose a location: United Kingdom, Las Vegas, West Palm Beach, Hursley, Chicago, Poughkeepsie, Austin, or Tucson” (¶ [0024]).

The foregoing summary is provided to assist the Examiner in appreciating some aspects and/or applications of embodiments described in the present application. However, this summary may not apply to each of the independent claims, and the language of the independent claims may differ in material respects from the summary provided above. Thus, the Assignee respectfully requests that careful consideration be given to the language of each of the independent claims and that each be addressed on its own merits, without relying on the summary provided above. In this

respect, the Assignee does not rely on the summary provided above to distinguish any of the claims over the prior art. Rather, the Assignee relies only upon the arguments provided below.

II. Rejections of the Claims under 35 U.S.C. §112, Second Paragraph

The Examiner rejects claims 19 and 24 as follows:

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite “selecting a second data field from a plurality of common data field for use as a disambiguation data field for the retrieved database entries”. Applicant failed to point out the subject matter because selecting a common data field would not help for use as a disambiguation data field for the retrieved database entries. Let’s consider Fig. 1 as an example. Entries 7 and 8 have the same name ‘Joe Smith’, if a second common data field is selected such as the formal last name which is “Joseph R. smith” for both entries, we will not be able to recognize the target “Joe Smith” unless if we select another data field that is not common for both entries such as phone number, location, or job description. To further timely prosecution and evaluate prior art, the Examiner has interpreted this limitation as -- selecting a second data field from a plurality of data field for use as a disambiguation data field for the retrieved database entries --. Appropriate correction is required.

As discussed in paragraphs [0016] and [0017] of the Assignee’s published application (U.S. Patent Application Publication No. 20030163319), “Joe Smith” is a data item within the “Name”

data field. A common data field may comprise the "Name" field if it is common to two database entries.

In view of the foregoing, claims 19 and 24 are not considered indefinite. The undersigned would like to discuss the same with the Examiner.

III. Rejections of the Claims under 35 U.S.C. §103(a)

The Examiner rejects claims 19, 20, 22-25, 27, 28 and 39-42 as follows:

**Claims 19, 20, 22-25, 27, 28, and 39-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over McAlister et al., Patent No. 6,421,672 in view of Gilai et al., U.S. Patent No. 6,256,630.

a. Claims 19 and 24

Initially, the Office Action states:

As per claim 19, applicant argues that McAllister does not teach "identifying at least one first data field having at least one data item that is unpronounceable". The examiner remarks that applicant addressed only half or part of the claimed limitation. The whole limitation is "identifying at least one first data field having at least one data item that is unpronounceable and /or exceeds a predetermined maximum length, and excluding said at least one first data field from use as a disambiguation data field based on said identification". The examiner considered the part that comes right after the and/or statement and rejected "exceeding a predetermined maximum length" by using Gilai. Therefore, the arguments regarding unpronounceable data have effect.

The undersigned notes that the entire limitation was addressed, and that the portions before and after the “and/or” were merely addressed in separate paragraphs. However, the undersigned appreciates the Examiner’s note that the Examiner is relying only the portion after the and/or for purposes of the rejection of claims 19 and 24.

Further, the Office Action states:

Further, applicant argues that Gilai does not teach “identifying at least one first data field having at least one data item that ... exceeds a predetermined maximum length, and excluding said at least one first data field from use as a disambiguation data field based on said identification”, stating that, in Gilai, there are no data items exceeding a predetermined maximum length because such strings are never generated. While the examiner is not sure of what applicant means by this argument, because nowhere in the claim wherein said that such strings are being generated, it would be helpful to clarify the examiner reasoning for using Gilai. As stated in the office action, McAllister teaches all the limitations of claim 19. However, McAllister does not explicitly teach identifying and excluding data fields having data items that exceed a predetermined maximum length. Gilai, who discloses a system for responding to ambiguous queries, during the process of selecting a plurality of strings of characters to which ambiguous input might correspond, he identifies strings with higher length, which correspond to low probabilities, and discard them from being used in solving ambiguous queries. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Gilai’s feature of identifying strings with higher length and excluding them from being used in subsequent stages with the disambiguation system of McAllister, in order to exclude data field that exceed a predetermined length from use as disambiguation data field for the retrieved database entries.



First, the undersigned would like to discuss how discarding strings from being used in solving ambiguous queries could involve “excluding said at least one first data field from use as a disambiguation data field based on said identification,” as recited in claims 19 and 24, as the Office Action appears only to assert that data items are excluded.

Second, the undersigned would like to discuss the assertion that Gilai “identifies strings with higher length, which correspond to strings with low probabilities, and discard[s] them from being used in solving ambiguous queries.” In particular, the undersigned would like to discuss where such a teaching is found, as the cited passage appears to only discuss assigning probabilities to various strings of a set length corresponding to a numeric string input by a user.<sup>1</sup>

b. Claims 39 and 41

The Office Action states:

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<sup>1</sup> The cited passage discusses processing a “numeric string ... keypad input to spellguess unit 30” (see col. 12, lines 17-18). In particular, the passage describes how a spellguess unit 30 (FIG. 2) assigns probabilities to possible strings (e.g., BUSH, BURG or BURI) represented by a numeric string (e.g., 2874) input by a user via a telephone keypad (see col. 12, lines 17-25 and col. 6, lines 58-63 of Gilai).

As per claims 39 and 41, applicant argues that McAllister does not teach identifying and excluding at least one first data field having at least one data item that is unpronounceable, stating that the passage used by the examiner is silent with respect to an unpronounceable data item and also, McAllister does not disclose any data item that is unpronounceable. The examiner notes that not every claimed term should be explicitly cited by the prior art reference. McAllister teaches speech synthesis. The database of speech synthesis system discloses a plurality of characters or phonemes that are used to synthesize speech and it should be noted that during the process of speech synthesis many characters may be eliminated. For example, in German, the letter "c" is almost always followed by "h" or "k" because the letter "c" in German is somewhat redundant. A rule intended for use with German might either eliminate the letter "c" or replace "ch" with a single letter, such as "g" or "k," that has a similar sound (e.g., in German, the word "ich" and the monosyllabic nonsense word "ig" would be pronounced the same way). Therefore, synthesizing speech based on pronunciation rules requires identifying and excluding at least one data item that is unpronounceable.

The Examiner states above that "synthesizing speech based on pronunciation rules requires identifying and excluding at least one data item that is unpronounceable." However, claims 19 and 24, and hence claims 39 and 41, relate to excluding at least one data field from use as a disambiguation data field. Therefore, the Examiner appears to have applied the alleged inherent feature of McAllister in a manner that is inconsistent with claims 39 and 41. The undersigned would like to discuss the same with the Examiner.

Further, while the undersigned agrees that non-explicit teachings of a reference may be relied upon, the undersigned would like to discuss such reliance in the rejections above. As set forth in See MPEP §2112: "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent

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characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

Should the Examiner have any questions or comments before the scheduled interview, he is invited to contact the undersigned at 617-646-8287.

Dated: November 23, 2009

Respectfully submitted,  
*Nuance Communications, Inc.*

By: \_\_\_\_\_

Melissa A. Beede, Reg. No. 54,986  
Wolf, Greenfield & Sacks, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000